

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Amendment of the Commission's Rules)	WT Docket No. 07-250
Governing Hearing Aid-Compatible)	
handsets)	
)	WT Docket No. 01-309
Petition of American National Standards)	
Institute Accredited Standards Committee C63)	
(EMC) ANSI ASC C63)	

Comments of Iowa Wireless Services, LLC d/b/a i wireless

Introduction

Iowa Wireless Services, LLC hereafter referred to as “i wireless”, hereby submits reply comments on the Commission’s Notice of Proposed Rulemaking in WT Docket No. 07-250.

i wireless is a local Personal Communications Services (“PCS”) licensee, Tier III carrier providing service in Iowa, eastern South Dakota, eastern Nebraska and western Illinois. i wireless utilizes GSM technology throughout its PCS network and operates exclusively in the 1900 MHz band. In general, i wireless supports the Commission’s tentative conclusion to adopt the Joint Consensus Plan for Tier I carriers. Specifically, i wireless supports amending the February 18, 2008 requirement that all service providers ensure 50% of models offered are hearing aid-compatible for each air interface offered. i wireless asks the Commission to replace the current February 18, 2008

deadline with a staggered deployment deadline and revised flexible quotas for Tier II and Tier III carriers.

Discussion

1. Deployment Benchmarks

Like numerous other Tier III carriers¹ i wireless has experienced the difficulty of obtaining sufficient HAC compliant handsets to meet past Commission deadlines. After repeatedly asking vendors for HAC compliant handsets, i wireless could not meet the September 16, 2005 deadline requiring two HAC compliant handsets and filed a petition for waiver of the deadline.

Several months after the deadline i wireless was able to obtain two HAC compliant handsets and was in compliance with the Commission's orders. The same market problems that prevented i wireless from meeting the 2005 deadline exist today. As deadlines approach, it is very likely that manufacturers will once again have a limited supply of HAC compliant handsets. Large Tier I companies with contracts with manufacturers will have priority in receiving the limited number of compliant handsets.

The Hearing Loss Association of America and Telecommunications for the Deaf and Hard of Hearing, in its comments stated:

"Tier 1 carriers account for 90 % of subscribers. Therefore it would seem up to Tier II and Tier III carriers to place orders for phones sufficiently in advance of the time needed in order to meet the benchmarks and up to manufacturers to ensure they can supply all carriers of all Tiers in a timely fashion. On this basis, there should be no need to phase in the benchmark for Tier II and Tier III carriers

¹ Report On The Status of Implementation of the Commission's Hearing Aid Compatibility Requirements ¶ 4.

as long as all parties plan ahead. If deemed absolutely necessary, a maximum phased in period of 3 months is reasonable.”²

i wireless has no control over the planning of manufacturers. It makes no difference when our company orders handsets. The manufacturer is totally in control of producing and shipping handsets. The manufacturers have control over meeting their deadlines and the size of the Tier I companies gives them leverage in dealing with the manufacturers. Most if not all Tier I carriers buy their handsets directly from the manufacturer. Because of the small quantity of handsets that are purchased, i wireless, like most small carriers, buys its handsets from a distributor. This increases the time lag between the availability of the HAC handsets and the time they can be purchased by a small carrier.

For these reasons Tier II and Tier III companies should be granted additional time beyond the deadlines of Tier I carriers. Based upon past experience, i wireless requests the Commission adopt a staggered deadline that would allow six additional months for Tier II and Tier III carriers to achieve compliance.

2. HAC Handset Benchmarks

The Commission should not adopt the same HAC handset quotas for all carriers without regard for the size of the carrier.

Like the GSM companies referred to in the comments of the Rural Cellular Association³, i wireless cannot meet the proposed February 18, 2008 M3 quota of Tier I carriers without reducing the total number of handset offerings.

² Comments of The Hearing Loss Association of America and Telecommunications for the Deaf and Hard of Hearing at 3.

³ Comments of the Rural Cellular Association at 3.

Providing a numerical alternative of eight HAC handsets to the 50% HAC standard may likely provide an obtainable standard for Tier I carriers. That same standard is not obtainable for i wireless.

For many small carriers the numerical alternative of eight HAC handsets by February 18, 2008 exceeds the 50% of inventory HAC requirement.⁴ In its November 2007 report, i wireless reported that it carries 18 models in total, three of these are M3/T3 compliant. i wireless has no hope of obtaining five additional HAC handset models by February 18, 2008. Our vendors say there is the possibility of obtaining one or two by the deadline or shortly thereafter. The only way to comply with the rules would be to drastically reduce the number of models we carry. Since this would be detrimental to our customers and the economic viability of the company, I wireless would petition the Commission for a waiver.

Obtaining GSM M3 compliant handsets is not simply a matter of placing an order. i wireless has consistently tried to obtain additional GSM M3 compliant handsets. The market reality is that there is less of a variety of GSM HAC handset models⁵ available. Small carriers are competing with large carriers for the limited number of models. Not all models are available to small carriers. Tier I carriers often obtain exclusive distribution rights for newer models. Due to Manufacturing constraints there may be only a limited number of certain models produced. Both these factors can cause disparity between the number of HAC models available to small carriers, compared to large carriers.

⁴ Comments of the Rural Cellular Association at 3.

⁵ WT Docket No. 07-250 Second Report and order and Notice of Proposed Rulemaking ¶43.

Because of the size of the purchases, it is not economically feasible for a small carrier to buy products from the manufacturer. i wireless must purchase its handsets from a distributor. Since distributors are not subject to the FCC requirements they may not be focused on FCC quotas and deadlines. If A distributors has limited HAC handsets in inventory, it limits the number of HAC handsets available to the small carrier.

In the past the Commission has recognized the differences in the buying power of the small and large carriers. The Commission's September 16, 2005 deadline for HAC compliance required Tier I carriers to offer four HAC handsets while Tier II and Tier III were required to offer two HAC handsets. The obstacles that impeded small carriers from obtaining sufficient HAC compliant handsets on a timely basis have not changed. i wireless joins MetroPCS Communications⁶, Chinook Wireless⁷ and the Rural Cellular Association⁸ and respectfully requests the Commission adopt a less aggressive deployment quota for Tier II and Tier III carriers. i wireless recommends numerical and percentage deployment quotas that are approximately fifty percent of the quotas proposed for Tier I carriers. For M3-rated handsets, i wireless suggests a twenty-five percentage alternative that would increase annually.

3. Reporting

i wireless sees no reason for a staggered reporting schedule for Tier II and Tier III carriers. Staggered reporting should not be tied to a staggered deadline for HAC handset deployment for Tier II and Tier III carriers. Separate deadlines

⁶ Comments of MetroPCS Communications at 6.

⁷ Comments of Chinook Wireless at 2.

would be confusing and serve no purpose. It's worth noting the reason the Joint Consensus Plan proposed a reporting delay of one year after the Tier I carriers. The report states "Tier 2 and 3 carriers will not be required to make a report until one year after the Tier 1 carriers, thus allowing time for manufacturers' HAC products to reach Tier 2 and 3 carriers."⁹

The proponents of the plan recognized the difficulty small carriers would incur in meeting the deadlines and quotas proposed for Tier I carriers. However, changing the reporting deadline does not solve the problem. Tier I and Tier II carriers will still be in violation of the Commission's rules, just not reporting it. i wireless, like most carriers, takes the Commission's rules very seriously. If it is impossible for i wireless to meet the Commission's rules we will petition the Commission for a waiver. i wireless would much prefer the Commission adopt HAC quotas and deadlines that are obtainable for Tier I and Tier II carriers.

i wireless recommends the Commission continue the yearly reporting commencing on November 2008.

Conclusion

For the reasons stated above i wireless urges the Commission to adopt the following deployment schedule and benchmark quotas for Tier II and Tier III carriers. Carriers should be considered in compliance if they meet either the numerical or percentage standard.

⁸ Comments of the Rural Cellular Association at 5

⁹ Joint Consensus Plan at 11

July 18, 2008: four M3-rated (or higher) handset models or 25% of models offered per air interface.

July 18, 2009: five M3-rated (or higher) handset models or 35% of models offered per air interface.

July 18, 2010: six M-3-rated (or higher) handset models or 50% of models offered per air interface.

July 18, 2008: two T3-rated (or higher) handset models or 15% of models offered per air interface.

July 18, 2009: three T3-rated (or higher) handset models or 25% of models offered per air interface.

July 18, 2010: five T3-rated (or higher) handset models or 33% of models offered per air interface.

July 18, 2011 seven T3-rated (or higher) handset models or 33% of models offered per air interface.

Respectfully submitted,

By: _____

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